

REMARKS/ARGUMENTS

Applicants have received and carefully reviewed the Office Action of the Examiner mailed November 12, 2003, setting a shortened statutory period for response to expire February 12, 2003. Claims 1-24 remain pending. Reconsideration and reexamination are respectfully requested.

Claim 22 is objected to for having insufficient antecedent support for some claim language. Applicants have amended claim 22 to provide the necessary antecedent basis. Support for the amendment is found in the specification as originally filed, for example on page 6, lines 9-10.

Rejection under 35 U.S.C. § 102(b)

Claims 1-3 and 6-10 are rejected as being anticipated by Heifler (US 5,980,123). The Examiner asserts that Heifler discloses a system in which a monitored area is illuminated with a spotlight, with the spotlight being considered a pattern, a live image of the monitored area is captured, and an object entering the monitored area is detected when a change is detected in the pattern in the live image. Applicants respectfully disagree.

The Examiner's assertions are not supported by the teachings of Heifler. Heifler discloses a system for detecting a person, with the system having "at least one passive infra-red (IR) sensor 12, a projecting spotlight 14 and a camera 16"; see column 4, lines 1-2. Heifler specifically states that "the spotlight 14 and camera 16 are normally inactive", and that the "spotlight 14 is only essential during the hours of dark and during poor visibility." See column 4, lines 32-36. Heifler also states that the detection of an intruder "causes the spotlight 14 to be switched on." See column 4, lines 37-38. Therefore, even if one were to consider the light from the spotlight as a pattern, Heifler fails to teach the claimed method because Heifler teaches turning on the spotlight only after an intruder has been detected by the IR sensor. The detection system of Heifler is a passive IR sensor that is activated when it receives IR energy given off by a person. The system of Heifler does not involve creating a pattern, capturing a live image including the pattern and then detecting a change in the pattern to detect an object. Heifler captures a live image only after an intruder is detected by the IR sensor. See column 5, lines 56-57

and column 6, lines 22-24. Heifler fails to teach each and every limitation of the claims. Withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. § 103

Claims 4 and 5 are rejected as being unpatentable over Heifler. The Examiner asserts that Heifler teaches all of the claimed subject matter except the static and dynamic patterns of claims 4 and 5. The Examiner asserts that it would have been obvious to select any pattern because the claimed pattern and the pattern used by Heifler are well known alternate types of patterns that will perform the same function of illuminating an area. Applicants respectfully disagree.

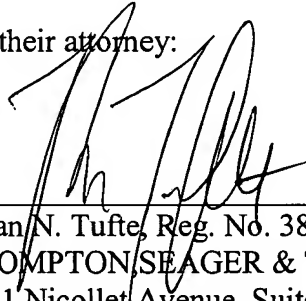
As stated above, Heifler fails to teach the basic limitations of the claimed method. Because Heifler teaches illuminating the monitored area only after an intruder has been detected by the IR sensor, there is no step of illuminating an area with a “pattern” that changes when an object is present. The element that changes in the method of Heifler when an intruder is present is the IR energy given off by the person. The light from the spotlight of Heifler is the same regardless of whether or not a person is present in the monitored area. Heifler specifically states that the spotlight is normally inactive, and is only needed when there is insufficient light for the camera to view the intruder. See column 4, lines 32-37. Thus the spotlight of Heifler is functioning as just a light source for the camera, and is not involved in any way with the IR detection system. Only after the IR sensor has detected an intruder and only if the ambient light is poor is the spotlight needed. The light from the spotlight of Heifler cannot be considered a pattern as is instantly claimed. Heifler fails to teach or suggest the limitations of the claimed invention. Additionally, Heifler fails to provide any guidance, suggestion, or motivation for one of ordinary skill in the art to modify the method of Heifler to achieve the instant invention.

Reconsideration and reexamination are respectfully requested. It is submitted that, in light of the above amendments and remarks, all pending claims 1-24 are now in condition for allowance. If a telephone interview would be of assistance, please contact the undersigned attorney at 612-677-9050.

Respectfully Submitted,

Darren D. Cofer et al

By their attorney:

A handwritten signature in black ink, appearing to read "Brian N. Tufte", is written over a horizontal line.

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